

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0000 1454 1561

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

Street, Apt. No.,

or PO Box No.

City, State ZIP+4

Sanland Valley Development Agency
294 S. Leland Norton Way
San Bernardino, CA 92408

PS Form 3800, January 2001

See Reverse for Instructions

Certified Mail Provides:

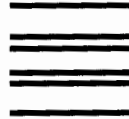
- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

UNITED STATES POSTAL SERVICE

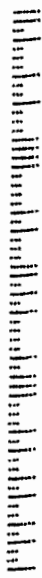


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Clint Leiter (cust-3)
118. EPA
75 Hawthorne St.
San Francisco CA 94005

04



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Alex Estrada
Environmental Health
& Safety Officer
Inland Valley Development
Agency
2945 S. Deland Way
San Bernardino, CA 92408*

2. Article Number (Copy from service label)

7001 0320 0002 4541 1561

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

K. Berry

7/12/91

C. Signature

K. Berry

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-00-M-0952



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 08 2004

CERTIFIED MAIL NO. 7001 0320 0002 4541 1561
RETURN RECEIPT REQUESTED

Alex Estrada
Environmental Health and Safety Officer
Inland Valley Development Agency
294 S. Leland Norton Way,
San Bernardino, CA 92408

Re: Notice of Investigation Results - Biennial Reporting Requirements under the Resource Conservation and Recovery Act; Opportunity for Expedited Settlement within Thirty Days

Dear Mr. Estrada:

Notice of Investigation Results - Biennial Reporting Requirements

A review by the U.S. Environmental Protection Agency ("EPA"), Region 9, of the information available concerning your facility at 294 S. Leland Norton Way in San Bernardino, CA 92408, (the "Facility") indicates that you have failed to comply with the Biennial Reporting System ("BRS") requirements under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6922(a)(6) and the California hazardous waste management program.¹

We encourage you to immediately review your compliance with the BRS requirements. If you determine that you are not subject to or have not violated the BRS requirements, please provide a written explanation, along with any documentation to Mr. Clinton Seiter at the EPA address shown below within thirty days of your receipt of this letter.

If, however, you find that you are out of compliance, EPA Region 9 is extending to you an invitation to quickly resolve your violation by correcting your violation and paying a substantially reduced penalty.

Under 22 C.C.R. § 66262.41(b), a large quantity generator is required to file a Biennial Report if it generated any of the following during the reporting year:

- 1,000 kilograms ("kg") (2,200 lbs) or more of RCRA hazardous waste in any single

¹ See 22 C.C.R. § 66262.41(b). All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the current California Code of Regulations.

month; or

- 1 kg (2.2 lbs) of RCRA acute hazardous waste generated in any single month or accumulated at any time; or
- 100 kg (220 lbs) of spill cleanup materials contaminated with RCRA acute hazardous waste, generated or accumulated at any time.

The Biennial Report must be submitted to the California Department of Toxic Substances Control ("DTSC") by March 1 of each even-numbered year for waste generated the previous year. Based on a review of the amount of hazardous waste shipped from your facility during the year 2001 (as reported in the State of California's Hazardous Waste Tracking System, available at <http://hwts.dtsc.ca.gov>), and the list of facilities that filed 2001 Biennial Reports (as listed by EPA's Biennial Reporting System ("BRS")), you were required to file a Biennial Report for 2001, but failed to do so. Failure to file a Biennial Report is a violation of 22 C.C.R. §66262.41(b).

Under the authority of Section 3008 of RCRA, 42 U.S.C. §6928, EPA may pursue civil penalties of up to twenty-seven thousand five hundred dollars (\$27,500) per day for each violation of Subtitle C of RCRA, including violation of approved and authorized State program requirements. The BRS requirements are part of the California hazardous waste management program as approved and authorized by EPA under RCRA on August 1, 1992 (*see* 57 FR 32726, July 23, 1992). For the violation alleged herein, however, EPA Region 9 is offering you an opportunity to settle this matter by coming into compliance with the BRS requirements within thirty days of your receipt of this letter.

Opportunity for Expedited Settlement

You are invited to participate in an Expedited Settlement for the identified violation. We are providing this incentive to bring facilities into compliance with the Biennial Report requirement as quickly as possible and to resolve outstanding violations of the requirement.

In most EPA Region 9 settlements, violators have paid penalties of \$10,450 per violation for failure to file a Biennial Report. If you choose to participate in the Expedited Settlement process we will settle the outstanding violation, failure to file a Biennial Report in 2001, for **\$2,200**. Thus, the Expedited Settlement process provides an opportunity for you to resolve your violation with payment of a substantially reduced penalty.

Procedure for Expedited Settlement

To take advantage of the Expedited Settlement process, within thirty days of your receipt of this letter you must:

- (1) file a Biennial Report with the DTSC for 2001 as described below,
- (2) complete and return to EPA the enclosed Expedited Settlement Agreement ("ESA" or "Agreement"), and
- (3) pay the assessed penalty.

In signing the attached Agreement, you are certifying that you have corrected your BRS violation and paid the assessed penalty, and you are waiving your opportunity for a hearing or an appeal concerning your violation of the BRS requirements.

To correct your BRS violation, you must prepare and submit to DTSC, within thirty calendar days of your receipt of this letter, a 2001 Biennial Report (EPA Form 8700-13A/B, (Revised 11-00), included with this letter). Instructions for completing the forms are available at www.epa.gov/epaoswer/hazwaste/data/#br. Your Biennial Report should be sent certified mail, return receipt requested, to:

BRS Compliance Project
California Department of Toxic Substances Control
Hazardous Waste Management Program
P.O. Box 806
Sacramento, CA 95812-0806

Additionally, attach a copy of the Biennial Report to the signed Agreement and penalty payment and send to:

Clinton Seiter
RCRA Enforcement Office (WST-3)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Please be advised that filing a 2001 Biennial Report at this time, without participating in a settlement with EPA, does not resolve your liability for the late filing.

If you can demonstrate in writing that it is technically infeasible or impracticable to correct your BRS violation within thirty days, upon request, EPA, at its discretion, may grant one

thirty-day extension. Extension requests and the above demonstration must be made in writing no later than 10 days before the end of the initial thirty-day compliance period. The request must clearly indicate whether you intend to take advantage of the settlement agreement. Any extensions must be granted in writing by EPA.

If you do not follow the procedures outlined in this letter for Expedited Settlement (e.g., file Biennial Report, pay assessed penalty, sign ESA) within 30 days of receipt of this letter, this settlement offer will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violation. EPA may seek penalties of up to \$27,500 per day for each violation.

Notice of March 1, 2003 Biennial Report Filing Deadline

Please note that the 2003 Biennial Reports are due on March 1, 2004. Please take the time to investigate the applicability of this filing deadline to your facility.

By copy of this letter, EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA and the opportunity for expedited settlement. For your information, EPA's fact sheet with details on small business resources and compliance is included with this package.

We are committed to the fair and rapid settlement of this matter. If you have any questions, or wish to discuss the general circumstances of your case, please contact the Compliance Officer assigned to your case, Clinton Seiter, at (415) 972-3298.

Sincerely,



Frances Schultz, Manager
RCRA Enforcement Office

cc: Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
8800 Cal Center Drive, 3rd Floor
Sacramento, California 95826-3200

Enclosures

2001 Hazardous Waste Report Forms
Expedited Settlement Agreement
Information for Small Businesses